

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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IN RE:

PETITION OF TENNESSEE-  
AMERICAN WATER COMPANY TO  
CHANGE AND INCREASE CERTAIN  
RATES AND CHARGES ...

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DOCKET NO. 03-00118

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S RESPONSES TO  
DISCOVERY AND TO TAWC'S MOTION TO COMPEL**

Pursuant to *Rules 26, 33 and 34* of the *Tennessee Rules of Civil Procedure* and *Tenn. Code Ann. § 4-5-301, et seq.*, Intervenor Chattanooga Manufacturers Association ("CMA") submits the following responses to discovery and to the Motion to Compel filed by Tennessee-American Water Company ("TAWC" or the "Company").

**RESPONSES TO DISCOVERY REQUESTS**

Subject to and without waiving any of the previously filed objections, the following responses to discovery and to the Motion to Compel are provided. The great majority of TAWC's questions cannot be answered until after CMA has retained an expert witness and TWAC has responded to discovery.

**Discovery Request No. 1:** State in detail the legal and factual basis for any objection or opposition CMA has with respect to any aspect of the rate increase requested by TAWC in this docket.

**Response.** As noted previously, CMA objects to this request to the extent it seeks the mental impressions or conclusions of its attorneys, which are privileged and will not be provided. CMA has not yet received the Company's responses to data requests, and said information is crucial to CMA's response. Subject to and without waiving all objections, and in the spirit of cooperation and to

further the discovery process, CMA states that the rate increase requested by the Company is excessive and will be harmful (if implemented) to CMA's members and others.

**Discovery Request No. 2:** Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- a. Identify the field in which the witness is to be offered as an expert.
- b. Provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness.
- c. Provide the grounds (including without limitation any factual bases) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion.
- d. Identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony.
- e. Identify for each such expert any person whom the expert consulted or otherwise communicated with in connection with his expected testimony.
- f. Identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony and opinions as well as the compensation to be paid for the testimony and opinions.

g. Identify all documents or things shown to, delivered to, received from, relied upon or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions.

h. Identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

**Response.** CMA objects to Discovery Request No. 2 as being overbroad, vague, ambiguous and unduly burdensome. Subject to and without waiving all objections, CMA states that, at this time, experts have not been determined for purposes of testimony at trial, and CMA will identify such experts, if any, within the time limits and requirements set forth by the scheduling order in this case and appropriately supplement its response to this discovery request.

**Discovery Request No. 3:** Please produce copies of any and all documents referred to or relied upon in responding to TAWC's discovery requests.

**Response.** See Response to Discovery Request No. 2.

**Discovery Request No. 4:** Please provide all materials provided to, reviewed by or produced by any expert or consultant retained by CMA to testify or to provide information from which another expert will testify concerning this case.

**Response.** See Response to Discovery Request No. 2.

**Discovery Request No. 5:** Please produce all workpapers of any of CMA's proposed experts, including but not limited to file notes, chart notes, tests, test results, interview and/or consult notes and all other file documentation that any of CMA's expert witnesses in any way used, created,

generated or consulted by any of CMA's expert witnesses in connection with the evaluation, conclusions and opinions in the captioned matter.

**Response.** See Response to Discovery Request No. 2. Additionally, CMA objects to Discovery Request No. 5 as being vague and ambiguous and overbroad. Subject to and without waiving all objections, CMA states that it has historically supplied relevant and appropriate materials in conjunction with its experts' testimony in rate-making cases and intends to cooperate with respect to discovery in this rate-making case as well.

**Discovery Request No. 6:** Please produce a copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of CMA's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

**Response.** See Response to Discovery Request No. 2. Additionally, CMA objects to Discovery Request No. 6 as being unduly burdensome.

**Discovery Request No. 7:** Please produce a copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of CMA's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

**Response.** See Response to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 7 as being overbroad, vague and ambiguous and requesting irrelevant or privileged information. CMA objects to Discovery Request No. 7 to the extent that it seeks the identification of all documents which "relate or pertain" to any factual information utilized or relied upon by proposed experts, as it is impossible to respond to such a broad question.

**Discovery Request No. 8:** Please produce a copy of all articles, journals, books or speeches written by or co-written by any of CMA's expert witnesses, whether published or not.

**Response.** See Response to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 8 as being overbroad, vague and ambiguous and requesting irrelevant or privileged information.

**Discovery Request No. 9:** Please produce any and all documentation, items, reports, data, communications and evidence of any kind that CMA intends to offer as evidence at the hearing or to refer to in any way at the hearing.

**Response.** See Response to Discovery Request No. 6. Subject to and without waiving all objections, and in the spirit of cooperation and to further the discovery process, CMA anticipates it may submit demonstrative evidence at the hearing of this matter. To the extent the prehearing officer deems it appropriate, CMA would request that all parties exchange exhibits by June 25, 2003, three (3) days prior to the hearing of this matter.

**Discovery Request No. 10:** Please produce all documents that refer or relate to the subject matter of your response to Discovery Request No. 1.

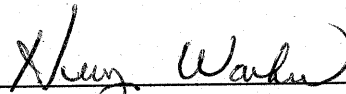

**Response.** See Response to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 10 as being overbroad, vague and ambiguous and requesting irrelevant or privileged information. CMA objects to Discovery Request No. 10 to the extent that it seeks the identification of all documents that "refer or relate" to the subject matter of CMA's response to Discovery Request No. 1, as it is impossible to respond to such a broad question.

**Discovery Request No. 11:** Please identify by name, address, employer and current telephone number, all persons having knowledge of the subject matter of your response to Discovery Request No. 1.

**Response.** CMA objects to Discovery Request No. 11 as being overbroad, vague and ambiguous.

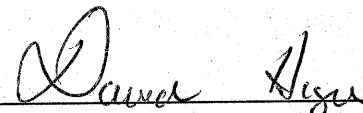

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

BY:    
HENRY M. WALKER, Esq.  
414 Union Street, Suite 1600  
Nashville, Tennessee 37219  
615-244-2582

- and -

GRANT, KONVALINKA & HARRISON, P.C.

BY:    
DAVID C. HIGNEY (BPR #14888)  
633 Chestnut Street, 9<sup>th</sup> Floor  
Chattanooga, Tennessee 37450  
423-756-8400

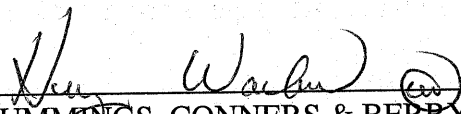
**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 16<sup>th</sup> day of April, 2003, served the foregoing pleading either by fax, overnight delivery service or first class mail, postage prepaid, to all parties of record at their addresses shown below:

T. G. Pappas, Esq.  
Bass, Berry & Sims, PLC  
2700 First American Center  
Nashville, Tennessee 37238-2700

Vance Broemel, Esq.  
Consumer Advocate Division  
Office of the Attorney General  
Cordell Hull Building  
426 5<sup>th</sup> Avenue, North  
Nashville, Tennessee 37243-0500

Michael A. McMahan, Esq.  
Phillip A. Noblett, Esq.  
801 Broad Street, Suite 400  
Chattanooga, Tennessee 37402

  
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BOULT, CUMMINGS, CONNERS & BERRY, PLC

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